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REMARKS

The Examiner has rejected Claims 1-2, 4-8, 10-16, 18-22, 24-30, 32-36, and 38-42 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner takes issue with the language "undesired, non-virus computer program" as not being described in the specification.

In response, applicant respectfully emphasizes that the language found in the specification on Page 6, lines 12-21 describes the banning of "an undesired computer program"(emphasis added). In relation to this description, applicant discusses on Page 1, lines 19-23 the banning of "undesired, although not actually virus-like, computer programs" (emphasis added). The banning of an "undesired, non-virus computer program" is therefore described in the specification.

In view of these remarks and the clarifications made to the claims hereinabove, applicant respectfully asserts that the above rejection is overcome.

The Examiner has also rejected Claims 1-2, 4-8, 10-16, 18-22, 24-30, 32-36, and 38-42 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner begins by taking issue with the following claim language as being indefinite: "undesired" and "non-virus." The term "undesired" has been deleted from the claims to avoid such rejection. In addition, applicant respectfully asserts that the claimed "non-virus" in all of the pertinent claims is to be read with regards to its plain and ordinary meaning, as evidenced by dictionary definitions, etc. For example, one dictionary definition of "virus" is:

"[a] computer program that is designed to replicate itself by copying itself into the other programs stored in a computer. It may be benign or have a negative effect, such as causing a program to operate incorrectly or corrupting a computer's

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memory." (*The American Heritage® Dictionary of the English Language, Fourth Edition*).

A "non-virus" program would therefore clearly include a program not meeting the above description, for example.

In view of these remarks and the clarifications made to the claims hereinabove, applicant respectfully asserts that the above rejection is overcome.

The Examiner has rejected Claims 1, 4, 7, 13, 15, 18, 21, 27, 29, 32, 35, and 41 under 35 U.S.C. 102(b) as being anticipated by Kephart (U.S. Patent No. 5,452,442). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims.

Specifically, in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to further distinguish applicant's claim language from the above reference, as follows:

"wherein the anti computer virus logic identifies computer viruses prior to identifying the computer programs banned from use" (see this or similar, but not necessarily identical language in each of the independent claims).

Therefore, while the Kephart reference teaches only the identification of virus signatures from a list or from files containing invariant viral code for the purpose of future extraction (col. 5, lines 57-61), applicant's logic differentiates between the identification of computer viruses and computer programs banned from use and performs the identification of the computer programs banned from use after the computer virus identification.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628,

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631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. The foregoing anticipation criterion has simply not been met by the above reference.

Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 43-46 below, which are added for full consideration:

"wherein the at least one non-virus computer program includes at least one of a game and a data streaming program" (see Claim 43);

"wherein the at least one non-virus computer program includes games and data streaming programs" (see Claim 44);

"wherein the anti computer virus logic of a plurality of end users each includes a different selected set of computer programs banned from use" (see Claim 45); and

"wherein an anti-virus scan is performed when a file access request is received, and if said anti-virus scan is not passed, an anti-virus action is triggered and a fail response is returned to an operating system, and if said anti-virus scan is passed, a scan for the computer programs banned from use is performed" (see Claim 46).

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Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P458\_00.164.01).

Respectfully submitted,  
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